

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.1040/2023

IN
FIRST APPEAL ST. NO.3909/2023

Rambhau s/o Shivram Mohitkar

Vs.

The Special Land Acquisition Officer, (Kanholi Nala Project) Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Rajkumari Rai, Advocate for applicant
Shri K.L. Dharmadhikari, AGP for respondent No.1
Shri T.M. Zaheer, Advocate for respondent No.2

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 17/07/2023

The application is filed for condonation of delay in filing Appeal. It is submitted that there is no compensation awarded for the land and only in respect of trees, which was granted. Therefore, appeal is filed for enhancement of amount of compensation. However, there is delay of 6790 days in filing First Appeal. The appeal is also filed on the ground of parity.

2. The learned Counsel for respondent No.3 vehemently opposed the application.

3. The additional affidavit is also filed as per direction of this Court on record. As such, I am inclined to allow the application and condoned the delay, however subject to condition that the claimant will not be entitled for any interest on enhanced compensation if awarded or in statutory amount. As

such, application is allowed.

4. The delay in filing First Appeal is hereby condoned subject to condition referred above.

5. The Registry is directed to register the First Appeal.

6. The application stands disposed of accordingly.

FIRST APPEAL ST. NO.3909/2023

1. Heard.

2. **Admit.**

3. Shri K.L. Dharmadhikari, learned AGP waives notice for respondent No.1.

4. Shri T.M. Zaheer, learned Counsel waives notice for respondent No.2.

5. Record and proceedings be called.

6. List the matter along with First Appeal No.27/2016.

JUDGE

R.S. Sahare